

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**UNITED STATES OF AMERICA,**

**v.**

**JENNIFER HERNANDEZ,**

**Defendant.**

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**Case No. 1:19MJ205  
Hon. John F. Anderson**

**DEFENDANT’S NON-CONFIDENTIAL MEMORANDUM  
IN SUPPORT OF HER MOTION TO SEAL**

The defendant, Jennifer Hernandez, by counsel and pursuant to Local Criminal Rule 49(E), asks for an Order sealing the document attached to her Motion to Seal.

**I. Items to be Sealed and Necessity for Sealing**

A. The defendant asks the Court to seal the document entitled “Defendant’s Motion to Continue Hearing” filed with the Court on June 24, 2019.

B. Sealing is necessary in order to safeguard the safety and privacy of the defendant. Counsel for the defendant has considered procedures other than sealing and none will suffice to protect this information from disclosure and to prevent public dissemination of information concerning Ms. Hernandez’s mental health.

**II. Previous Court Decisions Which Concern Sealing Documents**

The Court has the inherent power to seal materials submitted to it. *See United States v. Wuagneux*, 683 F.2d 1343, 1351 (11th Cir. 1982); *State of Arizona v. Maypenny*, 672 F.2d 761, 765 (9th Cir. 1982); *Times Mirror Company v. United States*, 873 F.2d 1210 (9th Cir. 1989); *see also Shea v. Gabriel*, 520 F.2d 879 (1st Cir. 1975); *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980); *In re Braughton*, 520 F.2d 765, 766 (9th Cir. 1975). “The trial court has

supervisory power over its own records and may, in its discretion, seal documents if the public's right of access is outweighed by competing interests." *In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984).

III. Period of Time to Have the Document Under Seal

A. The materials to be filed under seal would need to remain sealed permanently or until unsealed by the Court.

Accordingly, the defendant respectfully requests that an Order be entered allowing "Defendant's Motion to Continue Hearing" to be placed Under Seal. An appropriate Order is attached.

Respectfully submitted,  
By Counsel,  
Jeremy C. Kamens,  
Federal Public Defender

By: \_\_\_\_\_/s/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 28, 2019 I will electronically file the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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Pursuant to the Electronic Case Filing Policies and Procedures, a courtesy copy of the foregoing pleading will be delivered to Chambers within one business day of the electronic filing.

By: \_\_\_\_\_/s/  
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